

such manner and form as the regulations specify, a statement that it fell below such standard.

On March 10, 1942, Loveland Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently it was relabeled.

3308. Misbranding of canned cherries. U. S. v. 121 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 5827. Sample No. 61542-E.)

On October 2, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 121 cases, each containing 6 No. 10 cans, of cherries at Norfolk, Va., alleging that the article had been shipped on or about September 2, 1941, by Washington Packers, Inc., from Sumner, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Inavale Brand * * * Pitted Water Pack Royal Anne Cherries."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 14, 1941, Barrow-Penn & Co., Roanoke, Va., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

3309. Misbranding of canned cherries. U. S. v. 10 Cases and 20 Cases of Canned Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6884. Sample Nos. 85613-E, 85614-E.)

Both lots of this product were substandard in quality because more than 15 percent of the cherries in the container were blemished. One lot was short weight; the other was labeled to indicate that it was packed in sirup, whereas it was packed in water.

On February 27, 1942, the United States attorney for the Western District of Washington filed a libel against 30 cases, each containing 6 cans, of cherries at Bellingham, Wash., alleging that the article had been shipped in interstate commerce on or about October 12 and December 17, 1941, by Silverton Canning Co. from Silverton, Oreg.; and charging that it was misbranded. It was labeled in part: (Cans) "Silver Falls Cherries Red [or "Dark Red"] Sour Pitted Choice Syrup [or "in Water"] Contents 6 Lbs. 11 Oz. [or "6 Lbs. 14 Oz.]."

The article was alleged to be misbranded (10 cases) in that the statement "Contents 6 Lbs. 14 Oz." was false and misleading as applied to an article that was short weight, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents; (20 cases) in that the statement "Choice Syrup" was false and misleading as applied to cherries packed in water, and in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and its label failed to bear the name of the optional liquid packing medium present in such food; and (both lots) in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 25, 1942, Lee Grocery Co., Bellingham, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under supervision of the Food and Drug Administration.

3310. Misbranding of Peach and Pear Mix. U. S. v. 200 Cases of Peach and Pear Mix. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6605. Sample No. 23231-E.)

Examination showed that this product consisted of pieces of peach and pear of very irregular size and shape. It also contained one or two pieces of maraschino cherry, some bits of grape, pear seeds, skin, pieces of leaves, stem particles, and bits of pear calyx.

On December 29, 1941, the United States attorney for the Eastern District of New York filed a libel against 200 cases, each containing 48 pound cans of Peach and Pear Mix at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 22, 1941, by the American Trading

Co. from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Jes-so Peach and Pear Mix Diced Peaches and Pears in Heavy Syrup."

The article was alleged to be misbranded (1) in that the vignette and the legend "Peach and Pear Mix Diced Peaches and Pears" were false and misleading since they represented and suggested that the articles consisted of diced pieces of peaches and pears, whereas it consisted of pieces that were not diced but were of very irregular size and shape and many of which were extremely small and mushy; and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient, since it contained ingredients other than peach and pear.

On March 2, 1942, Grosberg-Golub Co., Inc., Schenectady, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

3311. Misbranding of canned pears. U. S. v. 50 Cases of Canned Pears. Default decree of condemnation and destruction. (F. D. C. No. 6786. Sample No. 89026-E.)

Examination showed that this product was substandard because all units were not untrimmed or so trimmed as to preserve their normal shape, and more than 10 percent of the units in the container were crushed or broken.

On January 30, 1942, the United States attorney for the Eastern District of New York filed a libel against 50 cases, each containing 24 cans, of pears at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 4, 1941, by Washington Packers, Inc., from Sumner, Wash.; and charging that it was misbranded. It was labeled in part: (Cans) "Sunburst Brand Halves Bartlett Pears * * * Contents 1 Lb. 14 Oz."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On March 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3312. Adulteration of diced fruit. U. S. v. 49 Cans of Diced Fruit (and 2 additional seizure actions against diced fruit). Default decrees of condemnation and destruction. (F. D. C. Nos. 6569, 6588, 6589. Sample Nos. 50354-E to 50356-E, incl., 59081-E, 80045-E.)

This product contained insect fragments, rodent hairs, and miscellaneous filth fragments.

On December 22 and 24, 1941, the United States attorneys for the Western District of Kentucky and the District of Maryland filed libels against 49 30-pound cans of diced fruit at Louisville, Ky., 10 30-pound cans of mixed diced fruit, 4 30-pound cans of diced oranges, 3 30-pound cans of diced lemon and 1 open barrel containing 117 pounds of diced fruit at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about November 5 to on or about November 17, 1941, by the Citrus Fruit Specialties Co. from New York, N. Y.; and charging that it was adulterated. The article was variously labeled: (49 cans, shipping carton for individual cans) "Merita Diced Mixed Fruit"; (17 cans) "Mixed Diced Fruit Contains Orange and Grapefruit Peel"; "Diced Orange," or "Diced Lemon"; (side of barrel) "Diced Fruit Red Contains Grapefruit."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On February 10, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3313. Misbranding of canned fruit cocktail. U. S. v. 800 Cases of Fruit Cocktail. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6672. Sample No. 75813-E.)

This product was not of Fancy quality, as labeled.

On January 8, 1942, the United States attorney for the District of Massachusetts filed a libel against 800 cases, each containing 48 cans, of fruit cocktail at Charlestown, Mass., alleging that the article had been shipped in interstate commerce on or about October 27, 1941, by Fruitvale Canning Co. of Oakland, Calif., from San